

REMARKS

Interview Summary

In accordance with 37 CFR 1.133(b), please make of record this summary of the July 10, 2007 interview between Examiner Diane D. Yabut and Applicant's representative Trent K. English. Applicant appreciates the opportunity given to interview Examiner Yabut relative to the rejection of independent claim 28 under 35 U.S.C. §102(b).

During the interview U.S. Patent No. 5,729,904 to Trott was discussed in detail. To start, Mr. English pointed out that Trott fails to disclose a pin having "a head portion" with the head portion having "an opening" aligned over and positioned to receive at least one engaging member, as required by independent claim 28. Examiner Yabut disagreed and stated that the pin 40 in Trott has a head portion 44, even though the pin 40 is not enlarged at the head portion 44. Examiner Yabut further stated that the space defined between the clamping head 43 and the blade 14 in Trott satisfies the limitation of the "opening" in the head portion. Mr. English rebutted by stating that the "opening" recited in claim 28 is defined *in the head portion*, and not simply *adjacent to the head portion*. Mr. English also pointed out that claim 28 requires "a slot" defined between a cap and the head portion and if the space defined between the head 43 and the blade 14 of Trott is the "opening" in the head portion, there is no slot for the blade in Trott. The same space cannot act as both the "opening" in the head portion and the "slot" between the head portion and the cap as required in claim 28. Examiner Yabut disagreed and finds that the space can actually be split into both an opening and a slot.

While Mr. English respectfully disagrees with Examiner Yabut's analysis, it was agreed that clarifying language would be added to the claim to overcome the rejection to claim 28 based on the Examiner's interpretation of claim 28 and Trott. More specifically, it was suggested to require the opening of the head portion to be "defined through the head portion". However, Examiner Yabut believes that a new search will be required even though the Amendment is simply a clarifying amendment. For this reason, Applicant respectfully submits a Request for Continued Examination along with this Amendment.

Claims

Upon entry of this Amendment, claims 28 and 29 will be pending in the application with claim 28 being independent. Claims 28 and 29 have been amended. Claims 1-27 have previously been canceled. No claims have been added. Reconsideration is respectfully requested.

Claim Rejections Under 35 U.S.C. §102(b)

Claim 28 stands rejected under 35 U.S.C. §102(b) as being anticipated by Trott (U.S. Patent No. 5,729,904). Applicant has amended claim 28 to clarify the invention set forth therein in accordance with the interview of July 10, 2007 and respectfully traverses the rejection to claim 28 based on the clarifying amendment.

Independent claim 28 recites a surgical saw blade coupler 10 comprising a housing 14 having a body and a head that extends forward from the body. The head has a face and a through bore. A driver 22 includes a driven portion 46 disposed in the housing and configured to be attached to a drive unit and a locking portion 48 disposed over the face of the head. The locking portion 48 has a through opening aligned with the through bore. The locking portion 48 also includes at least one engaging member 52A-52D. A pin 20 extends through the through bore and the through opening. The pin 20 has a head portion 26 disposed over the locking portion 48. The head portion 26 *defines an opening 38A-38D therethrough* that is aligned over and positioned to receive the at least one engaging member 52A-52D. The pin 20 is movably mounted to the housing 14 so as to be able to move longitudinally in the through bore and the through opening. A cap 18 is mounted to the pin 20 so as to be spaced above the head portion 26 of the pin 20 to define a slot 44 between the head portion 26 and the cap 18 for receiving a surgical saw blade 12. Finally, a biasing member 96 acts between the head of the housing and the pin 20 for urging the head portion 26 of the pin 20 and the cap 18 towards the at least one engaging member 52A-52D.

Trott discloses a surgical saw blade coupler 10 comprising a housing 12 having a body and a head 28 that extends forward from the body. The head has a face and a

through bore. A driver includes a driven portion 29 disposed in the housing 12 and configured to be attached to a drive unit and a locking portion 20 disposed over the face of the head. The locking portion 20 has a through opening 42 aligned with the through bore. The locking portion 20 also includes a plurality of projecting pins 32. A push shaft 40 extends through the through bore and the through opening 42. The push shaft 40 has a clamping head 43 disposed over a clamping surface 30 of the locking portion 20. The clamping head 43 is positioned over the projecting pins 32. The push shaft 40 is movably mounted to the housing 12 so as to be able to move longitudinally in the through bore and the through opening. A biasing member 26 acts between the locking portion 20 and the push shaft 40 for urging the clamping head 43 of the push shaft 40 towards the projecting pins 32.

Trott does not disclose a pin having a head portion defining an opening therethrough that is aligned over and positioned to receive an engaging member, as required by independent claim 28. Instead, in Trott, the surgical saw blade 14 is simply placed in registration with the projecting pins 32 and then held in place on the projecting pins 32 by the clamping head 43. There is no head portion defining an opening therethrough that is aligned over and positioned to receive the projecting pins 32. Conversely, with the invention set forth in claim 28, the surgical saw blade 12 is first slid into position in the slot 44 between the cap 18 and the head portion 26 of the pin 20, then the cap 18 and the head portion 26 of the pin 20 are released and urged toward the at least one engaging member 52A-52D so that the at least one engaging member 52A-52D passes through BOTH the opening 38A-38D in the head portion 26 of the pin 20 and an opening 68A-68E in the blade 12. This is best illustrated by the following side-by-side comparison of Trott with one embodiment of the invention set forth in claim 28. It should be appreciated that use of the embodiment set forth below is for example and illustration purposes only and claim 28 should not be interpreted as being limited to this particular embodiment.

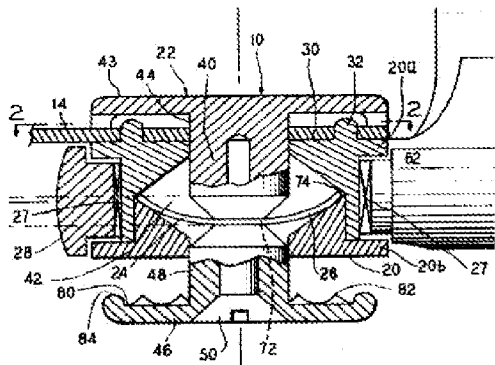


FIG. 1 of Trott

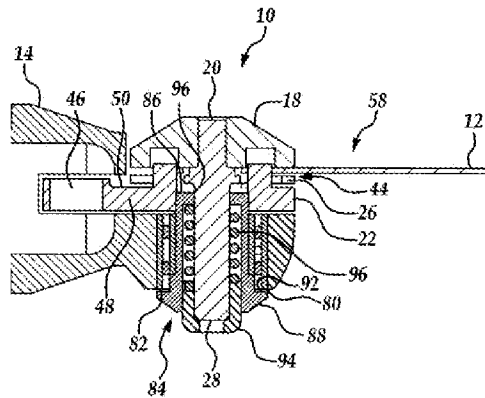


FIG. 3 of subject application

As shown in FIG. 1 of Trott, the projecting pins 32 extend through openings in the surgical saw blade 14 to secure the blade 14 laterally while the clamping portion 43 of the push shaft 40 clamps the blade 14 against the clamping surface 30 of the housing 20 to secure the blade 14 longitudinally. Conversely, as shown in FIG. 3 of the subject application, the at least one engaging member (not labeled) extends through BOTH the head portion 26 of the pin 20 and openings in the surgical saw blade 12 to secure the blade 12 laterally, while the blade 12 is secured longitudinally between the cap 18 and the head portion 26, not between the head portion 26 and the locking portion 48, as shown in Trott.

In summary, Trott fails to disclose, teach, or suggest a pin having a head portion defining an opening therethrough that is aligned over and positioned to receive an engaging member, as required by independent claim 28. For this reason Trott does not anticipate each and every limitation required by independent claim 28. Therefore, Applicant respectfully submits that independent claim 28 is in condition for allowance. Applicant also submits that dependent claim 29 is in condition for allowance based on its

own merits and its dependency on claim 28 and the failure of the references to suggest claim 28.

Claim Rejections Under 35 U.S.C. §103(a)

Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Trott in view of Evans (U.S. Patent No. 5,263,972). For the reasons given above with respect to the patentability of claim 28 and the dependency of claim 29 on claim 28, this rejection is now moot.

Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited. Applicant believes that no additional fees are required. However, the Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C. for any additional fees or credit the account for any overpayment, including any fees required for the RCE that are not separately paid.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

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Date

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